IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 27146 of 2006(F)

PETITIONER:

V.VIJESH, S/O.VIJAYA KUMARAN NAIR,
AGED 19 YEARS, RESIDING AT "MADHAVAS", MULLAKAL,
ALAPPUZHA.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE UNIVERSITY OF KERALA,**
   REPRESENTED BY ITS REGISTRAR.

3. **THE DIRECTOR OF UNIVERSITY**
   INSTITUTE OF TECHNOLOGY (U.I.T.)
   UNIVERSITY OF KERALA,
   THIRUVANANTHAPURAM.

4. **THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,**
   OFFICE OF THE DY.DIRECTOR OF COLLEGIATE EDUCATION,
   KOLLAM.

5. **UNIVERSITY INSTITUTE OF TECHNOLOGY**
   (U.I.T.), ALLAPPUZHA, REP. BY IT'S PRINCIPAL.

6. **PROF.A.RAJAPPAN NAIR,**
   (FATHERS NAME NOT KNOWN), CO-ORDINATOR AND
   PRINCIPAL, UNIVERSITY INSTITUTE OF TECHNOLOGY
   (U.I.T.), ALAPPUZHA.

7. **THE UNION OF INDIA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   MINISTRY OF HUMAN RESOURCES DEVELOPMENT
   (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS),
   NEW DELHI.

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC
SRI.S.SREEKUMAR
SRI. AJITH KRISHNAN, ADDL.CGSC
BY GOVT.PLEADER SRI. T.T. MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE CERTIFICATE ISSUED BY THE KERALA CRICKET ASSOCIATION TO THE PETITIONER DTD. 21/02/2006.

EXT.P2: COPY OF THE CERTIFICATE ISSUED BY THE KERALA CRICKET ASSOCIATION IN FAVOUR OF THE PETITIONER FOR REPRESENTING KERALA INTER STATE CHAMPIONSHIP FOR VINOO MANKAD TROPHY (UNDER 19) CONDUCTED BY THE B.C.C.I. FOR THE SEASON 2005-2006.

EXT.P3: COPY OF THE CERTIFICATE ISSUED BY THE KERALA CRICKET ASSOCIATION TO THE PETITIONER FOR REPRESENTING KERALA IN THE INTER STATE CHAMPIONSHIP FOR COOCH BEHAR TROPHY (UNDER 19) FOR THE SEASON 2005-2006 AT INDOOR.

EXT.P4; COPY OF THE APPLICATION FOR CONDONATION OF THE SHORTAGE IN ATTENDANCE ALONGWITH THE STATEMENT REGARDING ABSENCE.

EXT.P5: COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE 2ND RESPONDENT DTD. 23/02/2006.

EXT.P6: COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE 4TH RESPONDENT DTD. 23/02/2006.

EXT.P7: COPY OF THE MEMO ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER DTD. 18/03/2006.

EXT.P8: COPY OF THE MEMO ISSUED BY THE REGISTRAR OF THE UNIVERSITY DTD. 23/03/2006.

EXT.P9: COPY OF THE WRITE UP APPEARED IN THE SPORTS PAGE OF THE MALAYALA MANORAMA DAILY DTD. 16/03/2006.

EXT.P10: COPY OF THE INTIMATION REGARDING ENQUIRY DTD. 31/03/2006.

EXT.P11: COPY OF THE STATEMENT GIVEN BY THE PETITIONER TO THE 4TH RESPONDENT DTD. 6/04/2006.

EXT.P12: COPY OF THE ORDER ISSUED BYTHE 2ND RESPONDENT TO THE PETITIONER DTD. 28/07/2006.

EXT.P13: COPY OF THE PERFORMA OF THE DECLARATION GIVEN TO THE PETITIONER FOR SIGNATURE AND RETURN BY THE 6TH DTD. 21/08/2006.

EXT.P14: COPY OF THE MEMO ISSUED BY REGISTRAR OF THE 2ND RESPONDENT TO THE PETITIONER DTD. 16/09/2006.

EXT.P15: COPY OF THE COMMUNICATION ISSUED BY THE DIRECTOR OF PHYSICAL EDUCATION INTIMATING THE CIRCULAR REGARDING ATTENDANCE ISSUED BY THE 7TH RESPONDENT.

...2/-

5TH RESPONDENT'S EXHIBITS:

EXT.R5(A); COPY OF RELEVANT PORTION OF REGULATIONS SCHEME AND SYLLABUS FOR B.Sc (COMPUTER SCIENCE) DEGREE PROGRAMME.

EXT.R5(B): COPY OF THE LETTER DTD. 24/11/2005 TO THE FATHER OF PETITIONER.

EXT.R5(C): COPY OF LETTER DTD. 18/03/2006 ISSUED BY PETITIONER.

EXT.R5(D): COPY OF RECEIPT DTD. 17/08/2006.

EXT.R5(E): COPY OF THE REPRESENTATION DTD. 17/08/2006.

/TRUE COPY/

KSS

K.M.JOSEPH, J.

- -

WP.(C) No. 27146 OF 2006

- -

Dated this the 12th day of March, 2007

JUDGMENT

When this matter came up, learned counsel for the petitioner submits that in view of the developments, petitioner may not be interested in continuing in the light of Ext.P13. He submits that petitioner has remitted Rs.8000/- and certificates are with respondents 5 and 6. He prays that there may be a direction to return Rs.8000/- and also the certificates submitted by the petitioner before respondents 5 and 6.

2. I heard learned Government Pleader and counsel appearing for respondents 5 and 6. Learned counsel for respondents 5 and 6 submits that respondents 5 and 6 will return Rs.8000/- and the certificates given at the time of admission by the petitioner. Learned counsel for the University also submits that the University will co-operate in the matter of issuance of certificates, if at all their co-operation is necessary. In fact learned counsel for the petitioner submits that petitioner is seeking admission in another class and it is towards that

purpose that certificates are necessary and there is urgency in the matter.

In such circumstances, writ petition is disposed of as follows:

There will be a direction to respondents 5 and 6 to return Rs.8000/- to the petitioner within a period of two weeks from today. Likewise, there will be a further direction to respondents 5 and 6 to return to the petitioner all the certificates he submitted before them at the time of admission within a period of three weeks from today.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.